

THE LAW OFFICE OF

ELISA HYMAN, P.C.

October 24, 2023

APPLICATION GRANTED  
SO ORDERED

VIA ECF

Honorable John G. Koeltl, U.S.D.J.  
United States District Court - Southern District of New York  
500 Pearl St.  
New York, New York 10007

*John G. Koeltl*  
John G. Koeltl, U.S.D.J.  
*10/25/23*

Re: *B.W., et al., v. N.Y.C. Dep't of Educ., et al.*, 22-cv-1409 (JGK)

Dear Judge Koeltl:

I represent the Plaintiffs in the above-referenced case and write jointly with counsel for the Defendants to respectfully request a further 30-day stay of the Case Management Plan ("CMP") while the parties continue to try to resolve this matter via settlement.<sup>1</sup> This is the parties' second request for a stay. *See* ECF No. 56. The Court granted our previous request for a 30-day stay. ECF No. 57.

Pursuant to the CMP (and initial order granting the stay), discovery is set to proceed and closes in January, 2024. ECF Nos. 49, 57. As the parties previously reported, settlement negotiations have been renewed and the parties are currently actively engaged in negotiating Plaintiffs' claims for attorneys' fees and costs. *See* ECF No. 56. The parties remain optimistic that we will be able to reach a settlement agreement to resolve this case in full, without court intervention, but need additional time to do so.

For these reasons, as well as those previously delineated in our initial stay request, ECF No. 56, the parties respectfully request an additional 30-day stay of the CMP, to give the parties further time to resolve this action via settlement. The parties propose submitting a further status report no later than November 21, 2023.

Thank you for Your Honor's attention to and patience with this case and consideration of this joint request.

Respectfully Submitted,  
THE LAW OFFICE OF ELISA HYMAN, P.C.

By: *Erin O'Connor*

Erin O'Connor, Esq., Of Counsel  
*Counsel for Plaintiffs*

cc: All counsel of record via ECF

<sup>1</sup> Plaintiff B.W. and M.W., individually and on behalf of their son, S.W., a young man with a learning disability, allege, *inter alia*, that Defendants failed to implement an order of an administrative hearing officer, favorable to Plaintiffs, under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1400 *et seq.* Am. Compl., ECF No. 14. Plaintiffs also seek an award of attorneys' fees and cost under the IDEA for the underlying administrative hearing as well for the instant federal case.

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